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USDOT's Interim Final Rule Reshapes DBE/ACDBE Certification

On October 3, 2025, the U.S. Department of Transportation (DOT) published an Interim Final Rule (IFR) titled "[Disadvantage Business Enterprise Program and Disadvantaged Business Enterprise in Airport Concessions Program: Implementation Modification](#)". The rule becomes effective immediately and marks the most significant overhaul of the Department of Transportation's Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs in nearly four decades.

Overhaul of DBE Certification Standards

For nearly forty years, the DBE and ACDBE programs have existed for small businesses competing for federally assisted transportation and airport contracts. These programs included statutory presumptions that women and minorities are inherently disadvantaged. Prior to the changing rule, other small business owners were required to prove disadvantage individually. That is no longer the case moving forward.

Key Changes to Disadvantaged Business Enterprise (DBE) Certifications

Under a new framework, contractors, subcontractors, suppliers, and project owners now face altered eligibility, counting, and goal setting mechanics for their projects. Through IFR, currently certified DBE firms must be reevaluated under new standards. Some key changes to these standards include:

- Certifying authorities may no longer treat women or minorities as presumptively disadvantaged. Each applicant must independently demonstrate disadvantage on a case-by-case basis.
- Certified DBE firms must now submit a personal narrative, current personal net-worth statement, and supporting documentation of disadvantage through specific examples of hardship, discrimination, or denied opportunities.
- State and local Unified Certification Programs (UCP's) must now re-evaluate every certified firm and either recertify or decertify them under the new criteria.

Practical Considerations in the Interim

Although the IFR is effective immediately, the DOT has an open comment period which ends on November 3, 2025. During this transition, employers should anticipate operational uncertainty and prepare accordingly.

Some practical considerations include:

- Companies remained certified in name, but their participation in projects cannot be counted towards any DBE goals until they are re-evaluated under the new criteria.
- Airports and other sponsors cannot set new DBE goals during the interim rule-making period.
- The regulatory change may be subject to legal challenges, and further updates may follow as the rule is implemented.



NECA Regulatory Alert

FROM THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION

USDOT's Interim Final Rule - DBE

The Interim Final Rule fundamentally restructures the DBE/ACDBE certification process. The change marks near-term uncertainty for federal contractors, subcontractors, and project sponsors. NECA will continue to monitor implementation and provide updates as DOT issues further guidance or clarification.

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